

APPEAL NO. 022003
FILED SEPTEMBER 16, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 16, 2002. The hearing officer resolved the disputed issues by determining that the appellant (claimant) did not sustain a compensable injury on _____, and did not have disability. On appeal, the claimant expresses disagreement with these determinations. The respondent (carrier) urges affirmance.

DECISION

We affirm the hearing officer's decision.

The claimant asserts on appeal that the hearing officer abused her discretion by omitting an explanation given by the claimant regarding the mechanism of his injury and by failing to give credence to objective medical tests indicating a knee injury. With regard to the alleged omission of the explanation relating to the mechanism of injury, the record reflects that the claimant was asked whether his injury was caused by striking his knee against a valve or by twisting his knee while ascending a ladder. On two separate occasions during the hearing, the claimant responded that the injury occurred while ascending the ladder, not from striking his knee against a valve. We perceive no error in the hearing officer not making factual findings relating to a mechanism of injury denied by the claimant. With regard to the allegation that the hearing officer erred by not giving credence to the objective medical tests in evidence, we note that in her decision, the hearing officer does not in any way imply that she doubts the accuracy of the tests; rather, she found that any knee condition the claimant suffers from did not result from a work-related injury on _____. Consequently, we cannot agree that the hearing officer disregarded the medical evidence.

Whether the claimant sustained a compensable injury on _____, and had disability involved factual questions for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The trier of fact may believe all, part, or none of the testimony of any witness. Taylor v. Lewis, 553 S.W.2d 153, 161 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.); Aetna Insurance Co. v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **ST. PAUL GUARDIAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Philip F. O'Neill
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Veronica Lopez
Appeals Judge